

Résumé

The aim of the diploma thesis called Choice of applicable law in private international law is to provide a comprehensive analysis of the given area, justify the need and benefits of choice of law in situations involving private international law and to suggest possibilities for future development.

The first section is dedicated to conflict-of-law rules, their construction, characterization and function. Choice of law is also analyzed from the perspective of the connecting factor. The following part focuses on the history of choice of law in private international law from the initial reflections in the Middle Ages to the rapid development in the second half of the 20th century. In the third chapter, choice of law is described in general terms, including an analysis of individual types of choice of law and analysis of renvoi.

In the following sections, choice of applicable law in major legal situations involving private international law is explored. Firstly, contractual obligations are discussed, the main focus being the Regulation (EC) No 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I). Secondly, non-contractual obligations are analyzed mainly in terms of the Regulation (EC) No 864/2007 of the European Parliament and of the Council on the law applicable to non-contractual obligations (Rome II). Thirdly, labour law is discussed. Fourthly, law of succession is explained in regard to the new Regulation (EU) No 650/2012 of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession. Finally, family law and laws relative to securities are discussed. Each legal situation relative to international law is also considered with regard to regulation in Act No 91/2012 Sb. on private international law and to the regulation in international treaties.

The present diploma thesis provides a complex analysis of the given area for expert public.